

AMENDED IN ASSEMBLY MAY 5, 2014

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2346

Introduced by Assembly Member Gonzalez

February 21, 2014

An act to add Article 15.1 (commencing with Section 2372) to Chapter 5 of Division 2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2346, as amended, Gonzalez. Physician and surgeon assistance program.

Existing law, the Attorney Diversion and Assistance Act requires the establishment and administration of an Attorney Diversion and Assistance Program to provide services for the treatment and recovery of attorneys for the abuse of drugs or alcohol or mental illness, and who may be enrolled as inactive members of the State Bar.

This bill would authorize establishment of a similar assistance program for physicians and surgeons. The bill would authorize the Medical Board of California to make available the means to rehabilitate a physician and surgeon with impairment due to abuse of dangerous drugs or alcohol, or mental or physical illness, that affects his or her competency so that a physician and surgeon may be treated in a manner that will not endanger the public health and safety. *The bill would require the board, if the program is established, to contract with another entity for provision of the administrative services for the program.* The bill would make participants in the program responsible for all expenses

relating to treatment and recovery, and would authorize the board to charge a reasonable administrative fee to participants for the purpose of offsetting the costs of maintaining the program. The bill would require the board, if the program is established, to engage in outreach to make physicians and surgeons and others aware of the existence and availability of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 15.1 (commencing with Section 2372) is
2 added to Chapter 5 of Division 2 of the Business and Professions
3 Code, to read:

4
5 Article 15.1. Physician and Surgeon Assistance Program
6

7 2372. The board is authorized to establish a program as a
8 voluntary and confidential program to support a physician and
9 surgeon in his or her rehabilitation and competent practice of
10 medicine, enhance public protection, and maintain the integrity of
11 the medical profession. Confidentiality pursuant to this article shall
12 be absolute unless waived by a physician and surgeon, except as
13 specified in Section 2373. The program shall, if established, aid a
14 physician and surgeon struggling with substance abuse, mental
15 health concerns, stress, burnout, and other issues impacting his or
16 her productivity. This program shall be modeled after the State
17 Bar's Lawyer Assistance Program.

18 2373. *If the board establishes a program, the board shall*
19 *contract for the program's administration with an entity competent*
20 *to provide the necessary administrative services.*

21 ~~2373.~~

22 2374. The board may refer a physician and surgeon to the
23 program, but neither acceptance into or participation in the program
24 shall relieve the physician or surgeon of any lawful duties and
25 obligations under this chapter or otherwise under any disciplinary
26 action. Participation in the program shall be disclosed if required
27 as a condition of probation, pursuant to Section 2228.

1 ~~2374.~~

2 2375. Participants in the program shall be responsible for all
3 expenses relating to treatment and recovery. In addition, the board
4 may charge a reasonable administrative fee to participants for the
5 purpose of offsetting the costs of maintaining the program.

6 ~~2375.~~

7 2376. If a program is established, the board shall actively
8 engage in outreach activities to make physicians and surgeons, the
9 medical community, and the general public aware of the existence
10 and availability of the program. Outreach may include, but not be
11 limited to, the development and certification of minimum
12 continuing education courses relating to the prevention, detection,
13 and treatment of substance abuse, including no-cost and low-cost
14 programs and materials.

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